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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-third session
Vienna, 24 March-4 April 2014

Draft report

I. Introduction

A. Opening of the session

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fifty-third session at the United Nations Office at Vienna from 24 March to 4 April 2014. At its 878th meeting, on 24 March, Kai-Uwe Schrogl (Germany) was elected Chair for a two-year term of office, pursuant to General Assembly resolution 68/75.
2. The Subcommittee held [...] meetings.

B. Adoption of the agenda

3. At its 878th meeting, on 24 March, the Subcommittee adopted the following agenda:
 1. Adoption of the agenda.
 2. Election of the Chair.
 3. Statement by the Chair.
 4. General exchange of views.
 5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
 6. Status and application of the five United Nations treaties on outer space.



7. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
8. National legislation relevant to the peaceful exploration and use of outer space.
9. Capacity-building in space law.
10. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
11. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.
12. General exchange of information on non-legally binding United Nations instruments on outer space.
13. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.
14. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session.

C. Attendance

4. Representatives of the following [...] States members of the Committee attended the session: Algeria, Argentina, Armenia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libya, Malaysia, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

5. The Subcommittee decided to invite, at their request, observers for the Dominican Republic, El Salvador, Luxembourg, Panama and the United Arab Emirates to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

6. The Subcommittee also decided to invite the observer for the European Union, at its request, to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature

and that doing so would not involve any decision of the Committee concerning status.

7. Observers for the Economic and Social Commission for Western Asia and the International Telecommunication Union (ITU) attended the session.

8. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization (APSCO), European Space Agency (ESA), European Telecommunications Satellite Organization, International Mobile Satellite Organization and International Organization of Space Communications (Intersputnik). The observer for the International Institute for the Unification of Private Law (Unidroit) also attended the session.

9. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Centre for Space Law (ECSL), European Space Policy Institute (ESPI), International Association for the Advancement of Space Safety (IAASS), International Institute of Space Law (IISL), International Law Association (ILA), Secure World Foundation and Space Generation Advisory Council (SGAC).

10. The Subcommittee had before it information concerning the application of Luxembourg for membership in the Committee (A/AC.105/C.2/2014/CRP.3).

11. The Subcommittee also had before it information concerning the request of African Association of Remote Sensing of the Environment (AARSE) for observer status with the Committee (A/AC.105/C.2/2014/CRP.4).

12. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document A/AC.105/C.2/2014/INF/...].

D. Symposium

13. On 24 March, IISL and ECSL held a symposium on the theme "Regulatory needs for very small satellites", which was co-chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. A welcome statement was made by the Chair of the Subcommittee. The Subcommittee heard the following presentations during the symposium: "Status and overview on very small satellites: definition, purposes and projects", by Abe Bonnema; "Small satellites for scientific-technical development and capacity-building", by Lulu Makapela; "International space law and the authorization on the national level", by Philippe Achilleas; "Frequency management at the international and national levels", by Yvon Henri; "Requirements for debris mitigation", by Christophe Bonnal and "A best practice case study", by Otto Koudelka. Concluding remarks were made by the co-chairs of the symposium and the Chair of the Subcommittee. The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat (www.unoosa.org/oosa/en/COPUOS/lsc/2014/symposium.html).

14. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

E. Adoption of the report of the Legal Subcommittee

15. At its [...]th meeting, on [...] April, the Subcommittee adopted the present report and concluded the work of its fifty-third session.

II. General exchange of views

16. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Argentina, Austria, Belgium, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Cuba, Czech Republic, France, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, [Libya], Mexico, Nigeria, Poland, the Republic of Korea, the Russian Federation, South Africa, Ukraine, the United States, Venezuela (Bolivarian Republic of) and Viet Nam. The observers for ESA, ESPI and SGAC also made statements. A statement was made by Nicaragua on behalf of the Group of Latin American and Caribbean States.

17. The Subcommittee welcomed the election of Kai-Uwe Schrogl (Germany) as its Chair for the period 2014-2015 and expressed its appreciation to the outgoing Chair, Tare Charles Brisibe (Nigeria), for furthering the work of the Subcommittee during his term of office.

18. The Subcommittee also welcomed Simonetta Di Pippo, the new Director of the Office for Outer Space Affairs.

19. At the 878th meeting, on 24 March, the Chair made a statement in which he highlighted the programme of work and organizational matters during the Subcommittee at its current session.

20. At the same meeting, the Director of the Office for Outer Space Affairs made a statement in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space, as well as the role and work of the Office relating to capacity-building in space law. The Director also introduced the proposed strategic framework for the programme on the peaceful uses of outer space for the period 2016-2017 (A/69/6 (Prog. 5)) and provided the Subcommittee with an update on the plans of the Office to mark the 2014 International Day of Human Space Flight.

21. The Subcommittee observed a minute of silence to mark the passing of Vladimír Kopal of the Czech Republic, who had been a long-standing contributor to the work of the Committee and to the progressive development of international space law.

22. The Subcommittee welcomed the statement delivered by the Chair of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee. The statement was delivered in accordance with the agreement of the Committee at its fifty-sixth session that the Legal Subcommittee be informed of the progress achieved by the Working Group in the period leading up to and during the fifty-first session of the Scientific and Technical Subcommittee.

23. Some delegations recalled the adoption of General Assembly resolution 68/74 on recommendations on national legislation relevant to the peaceful exploration and use of outer space and noted that the resolution provided a good basis upon which to build discussions.

24. Some delegations expressed the view that the existing international legal framework governing outer space activities enabled States, including developing countries, to benefit from activities conducted in outer space, and that it was essential to focus on encouraging universal adoption and full adherence to the United Nations legal instruments on outer space and their implementation by States parties.

25. Some delegations reiterated the importance of the existing treaties on outer space and emphasized the following principles: equal and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific and technical development, as well as the equitable and rational use of outer space; non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; non-militarization of outer space and its exploitation strictly for peaceful purposes; and regional cooperation to promote space activities.

26. Some delegations reiterated the importance of further development of the international legal regime based on the existing treaties and principles to ensure greater transparency and confidence-building in the conduct of space activities, in a manner that allowed all nations to benefit from space activities, taking into particular account the interests of developing countries.

27. The view was expressed that a universal comprehensive convention on outer space should be developed, with the aim of finding solutions for existing issues, fully respecting the fundamental principles incorporated in the existing United Nations treaties on outer space.

28. Some delegations expressed the view that it was crucial to have closer cooperation and coordination of work between the Legal Subcommittee and the Scientific and Technical Subcommittee to facilitate the legal review of scientific and technological developments and with a view to promoting the development of binding international norms addressing critical issues such as long-term sustainability of outer space, space debris and the use of nuclear power sources in outer space.

29. Some delegations expressed concern about an arms race in outer space and noted that current gaps in the legal regime on outer space made it necessary to have a more comprehensive legal regime to prevent the militarization of outer space.

30. The Subcommittee expressed its gratitude to the organizers of the following events held on the margins of the current session of the Subcommittee:

(a) Seminar entitled "International mechanisms for cooperation in space exploration: a discussion of current and future mechanisms", organized by Japan, Canada and the United States;

(b) Meeting on "Earth observation data as the source and the keeper of regulation", hosted by ESPI.

III. Information on the activities of international intergovernmental and non-governmental organizations relating to space law

31. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 5, entitled "Information on the activities of international intergovernmental and non-governmental organizations relating to space law", as a regular item on its agenda.

32. Under agenda item 5, statements were made by the observers for ECSL, IISL, ILA, Intersputnik and Unidroit.

33. For its consideration of the item, the Subcommittee had before it the following:

(a) A note by the Secretariat containing information on activities relating to space law received from ILA (A/AC.105/C.2/104);

(b) A conference room paper containing information on activities relating to space law received from Intersputnik and ECSL (A/AC.105/C.2/2014/CRP.21).

34. The Subcommittee noted with satisfaction that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the study, clarification and development of space law and that those organizations had continued to organize numerous conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance knowledge of space law.

35. The Subcommittee noted that international intergovernmental organizations had an important role to play in the development, strengthening and furtherance of understanding of international space law.

36. The Subcommittee welcomed the information provided by the observer for IISL on its activities relating to space law, including on the outcomes of the 2013 Manfred Lachs Moot Court, held on 26 September 2013, and the eighth Eilene Galloway Symposium, held on 5 December 2013, and information on its upcoming 57th Colloquium on the Law of Outer Space, to be held from 29 September to 3 October 2014 in Toronto, Canada.

37. The Subcommittee welcomed the information provided by the observer for ECSL on its activities relating to space law, including information on the 2014 ECSL Practitioners' Forum, held in Paris on March 14, the outcome of the ECSL Summer Course on Space Law and Policy, held on 2-13 September 2013, and the preparations for the twenty-third edition of the summer course, to take place in Geneva in September 2014, as contained in conference room paper A/AC.105/C.2/2014/CRP.21.

38. The Subcommittee welcomed the information provided by the observer for Intersputnik on its activities relating to space law, as contained in conference room paper A/AC.105/C.2/2014/CRP.21, and noted its participation in the discussions in the Russian Federation for new regulations on radio frequencies and satellite communications.

39. The Subcommittee welcomed the information provided by the observer for ILA on its activities relating to space law (A/AC.105/C.2/104), including information on the forthcoming seventy-sixth Biennial Conference of ILA, organized jointly with the American Society of International Law, to be held in Washington, D.C. on 7-12 April 2014.

40. The Subcommittee noted with appreciation the recommendation made by APSCO for an APSCO research centre for space law and policy to be established.

41. In accordance with the decision of the Subcommittee at its fifty-second session, in 2013 (A/AC.105/1045, para. 183), the observer for Unidroit made a statement on [...] April, in which he apprised the Subcommittee of recent developments in relation to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets. The Subcommittee noted that the Secretary-General of ITU continued to express interest in the possibility for ITU to accept the role of Supervisory Authority, subject to final approval by the governing bodies of ITU. The Subcommittee also noted that the Preparatory Commission for the establishment of the international registry, acting as the Provisional Supervisory Authority of the future international registry, had successfully held two sessions, in May 2013 and January 2014. The Preparatory Commission had discussed and approved in principle the first draft of regulations for the future international registry for space assets and agreed to discuss a finalized version in time for the session of the ITU Council and the plenipotentiary conference to be held in 2014.

42. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations and that such organizations should once again be invited to report to the Subcommittee, at its fifty-fourth session, on their activities relating to space law.

IV. Status and application of the five United Nations treaties on outer space

43. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 6, entitled "Status and application of the five United Nations treaties on outer space", as a regular item on its agenda.

44. The representatives of Austria, Belgium, Brazil, Mexico, the Netherlands, Republic of Korea, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 6. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

45. At its 881th meeting, on 25 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium). At its [...]th meeting, on [...] April, the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.

46. The Subcommittee had before it the following:

(a) *United Nations Treaties and Principles on Outer Space, related General Assembly resolutions and other documents* (ST/SPACE/61/Rev.1);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2014 (A/AC.105/C.2/2014/CRP.7);

(c) Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2014/CRP.16);

(d) Responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space received from Germany (A/AC.105/C.2/2014/CRP.17);

(e) Responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space received from the Russian Federation (A/AC.105/C.2/2014/CRP.18 and Corr.1);

(f) Note by the Secretariat containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(g) Overview by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the responses from member States and permanent observers of the Committee to the set of questions provided by the Chair in conference room paper A/AC.105/C.2/2013/CRP.12 (A/AC.105/C.2/2014/CRP.22).

47. The Subcommittee noted that, as at 1 January 2014, the status of the five United Nations treaties on outer space was as follows:

(a) The Outer Space Treaty had 103 States parties and had been signed by 25 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 94 States parties and had been signed by 24 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects had 91 States parties and had been signed by 22 additional States, three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 60 States parties and had been signed by 4 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 15 States parties and had been signed by 4 additional States.

48. The Subcommittee welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space, in developing national space laws and in concluding bilateral and multilateral agreements on space cooperation.

49. Some delegations expressed the view that the United Nations treaties on outer space represented a solid and sufficient legal structure that was crucial for supporting the increasing scale of space activities and strengthening international cooperation in the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and urged those States that had not yet become parties to the treaties to consider doing so.

50. Some delegations expressed the view that it was necessary to review, update and strengthen the five United Nations treaties on outer space with a view to invigorating the guiding principles that govern the space activities of States, strengthening international cooperation and making space technology available to all people. Those delegations were of the view that such reviewing and updating should not undermine the fundamental principles underlying the existing legal regime, but should enrich and further develop those principles.

51. Some delegations expressed the view that the five United Nations treaties on outer space were a basis for the regulation of the participation and the responsibility of both Governments and non-governmental organizations and that they strengthened the safety and security of space activities. Those delegations were of the view that the legal regime governing activities in outer space should ensure that space research and space activities benefit the quality of life and well-being of human beings and the prosperity of current and future generations.

52. Some delegations expressed the view that a universal, comprehensive convention on outer space should be developed with the aim of finding solutions for existing issues, which would allow the international legal regime on outer space to be taken to the next level of its development.

53. Some delegations expressed the view that the Subcommittee had a pivotal role in the further development of the international legal regime governing the activities of States in the exploration and use of outer space, in particular in view of the increased commercialization and heightened pace of outer space activities, and the increased participation of actors conducting activities in outer space.

54. Some delegations expressed the view that in the light of current developments in space activities, specifically regarding commercialization, privatization and space safety, the application of the existing treaties on outer space should be constantly analysed and reviewed to ensure the relevance of the current space law regime to the level of development in space activities.

55. Some delegations expressed the view that membership in the Committee on the Peaceful Uses of Outer Space should be conditional on the ratification of at least one of the United Nations treaties on outer space.

56. Some delegations expressed the view that to grant only parties to the treaties membership in the Committee would lead to a closed forum and would be contrary to the role of the Committee.

57. The view was expressed that there had been a recent tendency towards the development of non-legally binding instruments and that binding rules would better ensure the sustainability of and equitable access to the space environment for future generations.

58. The view was expressed that it was the mandate of the Legal Subcommittee to promote and establish international space law and that it was necessary to review and update the existing United Nations treaties on outer space.

59. The view was expressed that at the moment it was important to promote national space legislation rather than to consider new instruments in international law.

60. The view was expressed that the success of the Subcommittee in advancing the field of space law was a result of its ability to focus on practical problems and to seek to address any such problems via a consensus-based and results-oriented process. The delegation expressing that view was also of the view that the Subcommittee should, during its deliberations, aim to continue that tradition and to avoid focusing on theoretical rather than practical issues.

61. The view was expressed that conference room paper A/AC.105/C.2/2014/CRP.18 and Corr.1 included inaccuracies and unfounded characterizations of the space policy of another member State.

62. Some delegations expressed the view that the Moon Agreement, in all its aspects, should continue to be discussed by the Subcommittee in order for its provisions to be further clarified and understood.

63. Some delegations expressed the view that the Legal Subcommittee and the Scientific and Technical Subcommittee should strengthen their cooperation in matters relating to their respective agendas and working groups.